

MAY 25 2005

Attorney Docket No. 301700-00066

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

In re the application of: David F. MACNEIL

Application No.: 10/763,745

Filed: January 23, 2004

Art Unit: 3611

Examiner: Brian Green

Confirmation No: 7637

For: VEHICLE LICENSE PLATE COVER

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450I hereby certify that this correspondence is  
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on

5/25/05

Laura A. Nettleton  
Laura NettletonREPLY UNDER 37CFR 1.116  
EXPEDITED PROCEDURE  
TECHNOLOGY CENTER 3600

## AMENDMENT AFTER FINAL REJECTION

Dear Sir:

This communication is responsive to the Examiner's Final Action mailed March 31, 2005.

Please amend the claims such that they conform to the Claim Listing starting on the next  
page. In particular, Applicant cancels Claims 10 - 12, 15 and 18 and amends Claims 3, 7 and 16.

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PAGE 1/7 \* RCVD AT 5/25/2005 5:42:08 PM [Eastern Daylight Time] \* SVC USPTO-EFAXF-1/10 \* DHS: 8729306 \* CSD: \* DURATION (mm:ss): 01:54

Adjustment date: 09/28/2005 SDIRETA1  
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CLAIM LISTING

1 - 2. (Cancelled)

3. (Currently amended) The license plate cover of Claim ~~17~~ 19, wherein the gasket has a periphery, and a rim raised relative to the receiving surface, an innermost portion of the raised rim disposed in a plane inward of the ~~first and second~~ compression ~~rib~~ rib, wherein the raised rim is located around the periphery of the gasket to be laterally exterior of the ~~first and second~~ compression ~~rib~~ rib and where inward is defined as being in a direction toward the license plate.

4. (Currently amended) The license plate cover of Claim ~~16~~ 19, wherein the elongate compression rib is V - shaped.

5. - 6. (Cancelled)

7. (Previously presented) A license plate cover, comprising:

a frame having a periphery, an outer side, an inner side for disposal adjacent a license plate and an elongated channel disposed near the periphery of the frame, the channel having a bottom and sides extending inwardly from the bottom toward the license plate, a transparent central area of the frame disposed laterally inwardly of the channel for viewing the license plate from the outer side of the frame ;

an elongated, injection molded elastomeric gasket disposed on the inner side near the frame periphery and injection molded within said channel on said inner side to adhere to the bottom and

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sides of the channel and for sealing to a periphery of the license plate; and

a plurality of holes for receiving respective fasteners to a vehicle license plate mounting bracket, the gasket being laterally adjacent to and closely laterally surrounding the holes, the plurality of holes each including a stepped opening with a first level and a second level formed inwardly toward the license plate from the first level, each hole having a sidewall of nongasket material extending from the second level to the inner side, the gasket having a generally planar receiving surface facing inwardly toward the license plate, the sidewall of each hole extending inwardly to a plane containing said receiving surface of the gasket, wherein said sidewalls prevent the fasteners from overcompressing the gasket and fracturing the frame.

8. (Currently amended) The license plate cover of Claim ~~16~~ 19, wherein the frame periphery includes a bottom disposed at ninety degrees to the inner side of the frame, the rib of the gasket being continuous around a majority of the frame periphery but leaving open at least one portion adjacent the bottom of the frame periphery.

9 - 18. (Canceled)

19. (Previously presented) The license plate cover of Claim 7, wherein the gasket includes at least one elongate compression rib which extends inwardly from said receiving surface toward the license plate.

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REMARKS

Responsive to the Examiner's last action, Applicant has cancelled rejected Claims 2, 9, 16 and 17. Applicant has amended Claims 3, 4 and 8 so that they depend from allowed Claim 19. Claim 3 has further been amended to remove the recitation of the second compression rib, as Claim 19 only recites "at least one." The following claims now remain in the case: 3, 4, 7, 8 and 19.

Applicant's attorney of record has received a \$100 charge, made on June 2, 2005, against his Deposit Account (Account No. 503138) for what appears to be the submission of an extra independent claim in conjunction with the Amendment After Final Rejection mailed May 25, 2005. A copy of the June, 2005 Deposit Account Statement is enclosed. Applicant believes that this charge was assessed in error.

After the preliminary amendment filed in this case on January 23, 2004, the application included three independent claims, Claims 11, 15 and 18. After the amendment of November 8, 2004, the case still stood with these three independent claims. The amendment submitted on May 25, 2005 left two independent claims: Claims 7 and 16. Claims 11, 15 and 18 had been cancelled. Since the total number of independent claims had been reduced rather than increased, Applicant should not have been charged. Applicant therefore requests a credit to Deposit Account No. 503138 in the amount of \$100 to reverse this earlier charge.

Since all of the Examiner's rejections and objections have now been met, Applicant earnestly solicits a Notice of Allowance on the claims as last amended.

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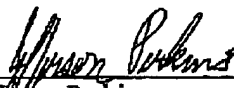
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No fee is believed due in connection with the filing of this Amendment. However, the Commissioner is hereby authorized to charge any deficiency to Deposit Account No. 503138 of Daspin & Aument, LLP.

Respectfully submitted,

  
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